THE HON'BLE MR. JUSTICE V.V.S. RAO

THURSDAY, THE 17TH DAY OF NOVEMBER, 2005

W.P.No. 16195 of 1999

Between:-

Kolla Rosiah

--Petitioner

And

Tata Finance Co., Ltd., 5/1 Grandhi Complex, Ist Floor, Broadipet, Guntur and another.

--Respondents

Oral order:- (W.P.No. 16195 of 1999)

The petitioner availed the loan from the 1st respondent for the purchase of a lorry bearing No. APT 5429 under 'Hire Purchase Agreement'. As the petitioner allegedly committed default, the respondents seized the vehicle purportedly in exercise of their rights under the 'Hire Purchase Agreement'. Assailing such seizure, the petitioner filed the instant writ petition seeking writ of Mandamus directing the respondents to release the vehicle.

The fiduciary relationship between the petitioner and the 1st respondent -- M/s Tata Finance Company Limited, is governed by the covenants in the Hire Purchase Agreement between the petitioner and the 1st respondent. Therefore, the dispute is purely in the private law realm and the writ petition *ex-facie* is not maintainable. The writ petition is, therefore, dismissed. No costs.

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V.V.S. RAO, J

Dated: 17-11-2005

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